

**Employee Benefit Plan
Miscellaneous Provisions
(Worksheet Number 4 – Determination of Qualification)**

INSTRUCTIONS – All items must be completed. A “Yes” answer generally indicates a favorable conclusion is warranted, while a “No” answer indicates a problem exists. Please use the space on the worksheet to explain any “No” answer. See Document 9392, Explanation Number 4, for guidance in completing this form. Note: Questions I.b. and II.a. and b. are not applicable to government plans, nonelecting church plans, and other plans described in IRC 410(c)

The technical principles in this worksheet may be changed by future regulations or guidelines

Name of Plan

I. Merger and Termination Provisions

a. Does the plan expressly provide that upon plan termination or partial termination (or, in the case of a profit-sharing, stock bonus, or other plan described in Code section 412(h), a complete discontinuance of contributions), a participant’s interest will be nonforfeitable? [0402]

b. Does the plan provide that after its merger, transfer of assets or liabilities, or consolidation, benefits will be no less than before the merger or consolidation or transfer if the plan then terminates? [0403]

c. If this plan is a defined benefit plan, have any of the participants in this plan been covered by another defined benefit plan of the employer which has been, or is to be, terminated with excess plan assets returned to the employer? [0405 or 0412 & 0413]

If the answer is “Yes,” complete (i) and (ii).

(i) Have cash distributions or guaranteed annuity contracts been provided for all accrued benefits of all participants in the terminating plan? [0406 or 0412 & 0413]

(ii) If this plan grants credit for past service for the period during which an employee was covered by the terminating plan, has the IRS granted approval for a change in funding method in connection with the unfunded past service liability for this plan? [0407 or 0412 & 0413]

Note: If (i) or (ii) is “No,” any favorable determination letter issued on this plan must be caveated. (See Part I., lines c. and d. of Explanation No. 4.)

d. If this plan is a defined benefit plan, has it received or transferred assets or liabilities, subject to Code section 414(l), in a transaction with another defined benefit plan which has been, or is to be, terminated with excess plan assets having been, or to be, returned to the employer? [0408 or 0412 & 0413]

If I.d. is “Yes,” complete (i) - (iii).

(i) Are the accrued benefits of all participants in this plan fully vested and nonforfeitable as of the date of termination of the other plan? [0409 or 0412 & 0413]

(ii) Have guaranteed annuity contracts been purchased to provide for all accrued benefits of all participants in this plan as of the date of termination of the other plan? [0410 or 0412 & 0413]

Note: If (ii) is “No,” any favorable determination letter issued on this plan must be caveated. (See Part I., lines c. and d. of Explanation No. 4.)

(iii) Has the IRS granted approval for a change in funding method for this plan? [0411 or 0412 & 0413]

Note: If (iii) is “No,” any favorable determination letter issued on this plan must be caveated. (See Part I., lines c. and d. of Explanation No. 4.)

e. If l.c. or l.d. is "Yes," has the employer, in the past 15 years, previously received a reversion of assets upon termination of a defined benefit plan which covered some or all of the same employees who are covered by this plan? [0415]	Plan Reference	Yes	No	N/A
II. Benefits				
a. Does the plan prohibit the assignment or alienation of an employee's interest that is more than the statutory limits? [0421]				
b. Do benefits under the plan begin, unless the participant otherwise chooses in writing, no later than the 60th day after the latest of the close of the plan year in which (1) the participant either reaches age 65 or the plan's normal retirement age, whichever comes first, (2) occurs the 10th anniversary of the year in which the participant began participation under the plan, or (3) the participant terminates service with the employer? [0422]				
c. If this is a pension plan, are distributions not to be made before the participant reaches normal retirement age, terminates service, dies, or becomes disabled? [0424]				
d. If the plan provides an early retirement benefit for participants who meet certain age and service requirements, does it provide that a participant who meets the service requirement, but separates from service before meeting the age requirement, will be entitled to receive the benefit when the age requirement is satisfied? [0425]				
e. Does the plan allow distributees to elect to have eligible rollover distributions transferred directly to an eligible retirement plan? [0426]				
III. General Qualification Issues				
a. Does the trust prohibit the trust funds' diversion or a return of employer contributions except for those permitted by the statute or Rev. Rul. 91-4? [0431]				
b. Does the plan provide that an employee's right to his or her normal retirement benefit is nonforfeitable on attainment of normal retirement age (as defined in Code section 411(a)(8))? [0432]				
c. If the plan is a profit-sharing plan, are employer contributions allocated to participants' accounts under a predetermined formula? [0433]				
d. If the plan is a pension plan, does it provide for definitely determinable benefits? [0434]				
e. If the plan is a defined benefit plan, does it expressly state the actuarial assumptions (for example, interest and mortality) or other methods (such as the conversion rates applied in a particular insurance contract) that will be used to determine the amount or level of any optional benefit forms that are the actuarial equivalent of the normal retirement benefit payable under the plan? [0436]				
f. Are death benefits provided by the plan "incidental" within the meaning of section 1.401-1(b)(1) of the Income Tax Regulations, taking into account the qualified joint and survivor annuity and the qualified preretirement survivor annuity, if required, under Code section 401(a)(11)? [0437]				
g. If the plan is a pension or annuity plan that includes a section 401(h) account for retiree medical benefits, does the plan limit the amount of contributions to such account, when added to actual contributions for life insurance, to 25 percent of the total actual contributions made to the plan (other than contributions to fund past service) after the later of the adoption or effective date of the section 401(h) arrangement? [0438]				

	Plan Reference	Yes	No	N/A
h. Has the plan requested consideration under section 420? (If "Yes," see section 16 and appendix of Rev. Proc. 98-6, 1998-1 I.R.B. 183.)				
i. If the plan is a defined contribution plan, is there a provision for valuation of the trust assets annually and adjusting participant's accounts accordingly? [0439]				
j. If any corrective amendment made after the end of a plan year is being taken into account for purposes of determining whether the plan satisfies the minimum coverage or nondiscrimination requirements for such year, have the conditions permitting the amendment to be given retroactive effect been satisfied? [0441]				
IV. Compensation Limit				
a. Does the plan limit the compensation that may be taken into account in determining benefits or contributions on behalf of any employee to no more than the annual compensation limit? [0442]				
b. If this is a defined benefit plan, does the plan determine a section 401(a)(17) employee's accrued benefit by applying the fresh-start rules? [0445]				
V. TRA '86 and Other Amendments Relating to ESOPS				
a. Does the plan provide that valuation of employer securities which are not readily tradeable on an established securities market are made by an independent appraiser pursuant to section 401(a)(28)(C)? [0446]				
b. Does the plan provide that a participant is entitled to elect to diversify a portion of his or her accounts investment in employer securities as required under section 401(a)(28)(B)? [0447]				
c. Does the plan provide that a participant is entitled to elect to commence distribution of his or her account balance after attaining normal retirement age, or after death, disability or separation from service not later than required by section 409(o)? [0448]				
d. Does the plan provide that, where the employer is required to repurchase employer securities distributed to a participant which are not readily tradeable, the amount to be paid for a total distribution is paid in substantially equal periodic payments over not more than 5 years after the exercise of the put option; and if distribution is made in installments, the amount to be paid is paid not later than 30 days after the exercise of the put option? [0449]				
e. Does the plan provide that for nonregistration securities, each participant is entitled to direct the plan to vote the allocated securities with respect to the corporate matters specified in section 409(e)(3)? [0450]				
f. If the plan is applying under section 409(n) with respect to transactions under section 1042, does the plan provide that the assets of the plan attributable to employer securities acquired by the plan in a sale to which section 1042 applies cannot accrue for the benefit of the persons specified in section 409(n) during the nonallocation period? [0451]				
g. Does the plan provide for the \$30,000 dollar limit on annual additions to a participant's account? [0452]				